

REMARKS

This Amendment and Request for Reconsideration is submitted in response to an outstanding Office Action dated February 16, 2005, the shortened statutory period for response set to expire on **May 16, 2005**. Accordingly, applicants submit that this response is timely submitted and that no extension of time or fee is due. In the event that the Commissioner determines that an extension of time or fee is due, the undersigned hereby petitions for such extension and authorizes the Commissioner to charge any required fee to the Milbank deposit account 13-3250.

I. Status of the Claims

Please amend claims 1, and 5-7 as indicated above. Claims 1-7 are now pending in the application. Claims 1 and 5-7 are independent claims.

Applicants acknowledge the Examiner's citation of statutory authority as a basis for claim rejections.

II. Objections to the Specification

The Examiner has objected to the specification as failing to provide proper antecedent basis for "information signal" in claim 5 and "computer readable medium" in claim 6. Applicants submit that as filed, the description at paragraphs [0017] and [0018] describe an "information signal" and a "computer readable medium." However, to advance the case to issue, applicants have amended paragraphs [0007] and [0018], and submit that the Examiner's objections are overcome. Support for the changes to paragraphs [0007] and [0018] is found in original claims 5 and 6, accordingly applicants submit that the changes to the specification do not introduce new matter. Withdrawal of the objection is respectfully requested.

The Examiner has also objected to paragraph [0036], referring to "step 22." Applicants have corrected paragraph [0036] to refer to step 220, and ask for withdrawal of the

objection.

III. Rejections under 35 U.S.C. § 101

The Examiner has rejected claims 5 and 6 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner states that “the claimed process must be limited to a practical application of the abstract idea of mathematical algorithm in the technological art. However, ‘information signal’ recited in claim 5 is not tangible. Specification failed to provide antecedent basis for ‘Computer readable medium’ recited in claim 6 and in view of claim 5, it appears that medium is not linked to tangible embodiment, therefore non -statutory.”

As above, Applicants have provided antecedent bases for the computer readable medium of claim 6. Applicants submit that in software sale and distribution, code for accomplishing a method may be sold and distributed on a computer readable medium (*e.g.*, claim 6) for later installation on a computer system. It is also common for software code to be distributed directly to users by electronic down-load to a computer, without transfer of a computer readable medium. In order to fully protect the various types of sales and distribution activities, applicants have crafted claims to specifically cover electronic transfer of infringing software code, by directing claim 5 to computer software code **transmitted as an information signal**. Applicants submit that computer executable software code transmitted as an information signal (claim 5) serves a useful purpose just as a computer readable medium (claim 6), and a computer with memory and a processor (claim 7) serve useful purposes. Applicants submit that to be statutory, 35 U.S.C. § 101 requires nothing more. For this reason, applicants request withdrawal of the rejections of claims 5 and 6.

Further, Applicants direct the Examiner’s attention to claims 84, 85 and 86 of U.S. Patent No. 6,513,020, which issued on January 28, 2003 (“the ‘020 patent”). Those claims are directed to “A computer data signal embodied in a carrier wave and representing instructions

for execution by a computer for ...” Applicant’s also direct the Examiner’s attention to claims 82 and 83 of the ‘020 patent. Those claims are directed to a computer program product for ... comprising: a computer readable medium having stored thereon ...” Applicants submit that there is no statutory difference between the subject matter of claims 82 through 86 of the ‘020 patent and claims 5 and 6 of the instant application. Withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

IV. Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1, 5, 6, and 7 under 35 U.S.C. § 102 as being anticipated by Montulli (U.S. Patent No. 6,134,592).

Claim 1 states (emphasis added): A method for providing information to a client browser, the method comprising: sending a first request from a client to a server; responsive to the first request, initiating a request by the server to create a token; responsive to the first request, sending information from the server to the client, the information including at least display data and a first link corresponding to the token; rendering the display data in a browser of the client; sending a second request from the client to the first link; determining at the first link whether the token is created; and if the token is created, sending the token to the client.

The Examiner states that Montulli discloses initiating a request to create a token (column 7, lines 35-36), and determining whether the token is created (column 8, lines 21-22). In Montulli at column 7, lines 35-36, the request to create a token is from the client, not from the server. Similarly, determining whether the token is created occurs at the client in Montulli at column 8, lines 21-22, not at the first link.

Claims 5-7 include similar limitations, and Applicants submit that the rejections of those claims over Montulli are also overcome. At least for these reasons, Applicants submit that the rejections of claims 1, 5, 6, and 7 under 35 U.S.C. § 102 over Montulli are overcome and

ask the Examiner to withdraw the rejections.

V. Rejections under 35 U.S.C. § 103

The Examiner has rejected claims 2-4 under 35 U.S.C. § 103 as being unpatentable over Montulli in view of Sato et al. (U.S. Patent No. 6,718,482).

As discussed above, Applicants submit that because claim 1 is allowable over Montulli, dependent claims 2-4 are allowable over Montulli in view of Sato et al, and respectfully ask the Examiner to withdraw the rejection.

VI. Request for Reconsideration

Applicants respectfully submit that the claims of this application are in condition for allowance. Accordingly, reconsideration of the rejection and allowance is requested. If a conference would assist in placing this application in better condition for allowance, the undersigned would appreciate a telephone call at the number indicated.

Respectfully submitted,
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